

Exhibit Z

From: Papacostas, Simeon
To: Jonathan Auerbach
Cc: FeltBenesch2cv5097@beneschlaw.com; SSC-Felt_Service; Bali_Sall; Guy Ruttenberg; Jennifer Jonak; Kevin Kudlac; Proctor, Greg
Subject: RE: SSC v. Felt Electric (22-5097)
Date: Wednesday, October 9, 2024 1:25:33 PM
Attachments: image001.png
image002.png
image006.png
image007.png
2024.10.09 DRAFT Stipulation re Dkt 265.docx

Jon—

Pursuant to the parties' discussions yesterday during the hearing with the Special Master, I am providing additional information regarding Plaintiffs' deficient October 1, 2024 Disclosure of Duplicative Bates Ranges and continued failure to comply with the Court's August 22, 2024 Order ("the Order").

First, as previously noted, we do not believe that Exhibit 1 is responsive to any part of the Order and indeed contains the exact information that was stricken from the case. To the extent that Plaintiffs rely on the Exhibit or the information contained therein, such reliance would violate the Order.

Second, after a review of Exhibits 2 and 3, we believe that Plaintiffs' characterization of the documents from the June Production as "duplicates" is incorrect and improper. This is because the documents in the June Production contain additional information via the associated metadata that was not provided with the so-called corresponding "duplicate" documents from Plaintiffs' April 4, 2024 or August 9, 2023 productions. This information includes the very same information regarding Plaintiffs' alleged correlation of documents to specific accused products that was stricken by the Order. By way of non-limiting example, Exhibit 2 to Plaintiffs' Amended Disclosure represents that the document bearing Bates number SSC_FEIT00169517 from the June Production is merely a "duplicate" of the document bearing Bates number SSC_FEIT00038080 from the August 9, 2023 production. But SSC_FEIT00169517 contains additional metadata provided only with the June Production, most notably a field titled, "File Path." The below image shows the metadata produced for this document in the June Production:

Codes	Metadata	Hit Highlights
<u>Confidentiality</u>	HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEY'S EYES ONLY	
<u>Custodian</u>	SSC	
<u>Date Modified</u>	2022/10/28	
<u>Extension</u>	jpg	
<u>Family Date</u> ↗	2022/10/28	
<u>File Path</u>	SSC\20240514_Processing\11_Discovery_Productions.zip\11_Discovery_...	
<u>Filename</u>	BACK_X50-5.jpg	Click to search for documents with File Path <SSC\20240514_Processing\11_Discovery_Productions.zip\11_Discovery_Productions\4_Product_Analysis & Chain of Custody (214 Products)\SSC0007\221026_JH-01\BACK_X50-5.jpg> (LOADFILE) File Path: SSC\20240514_Processing\11_Discovery_Productions\4_Product_Analysis & Chain of Custody (214 Products)\SSC0007\221026_JH-01\BACK_X50-5.jpg
<u>MD5 Hash</u>	6e49410e...	
<u>Primary Date</u> ↗	2022/10/28	
<u>Time Zone Processed</u>	EST (-05:00)	

The allegedly previously produced "duplicate" from Plaintiffs' August 9, 2023 production contains no such information in its metadata:

Codes	Metadata	Hit Highlights
<u>Confidentiality</u>	HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY	
<u>Date Modified</u>	2022/10/28 4:03 am (Unknown timezone)	
<u>Extension</u>	JPG	
<u>Family Date</u> ↗	2022/10/28 4:03 am (Unknown timezone)	
<u>Filename</u>	BACK_X50-S.jpg	
<u>MD5 Hash</u>	6E49410E3E14D5A3912122080B72C697	
<u>Primary Date</u> ↗	2022/10/28 4:03 am (Unknown timezone)	

The “File Path” information included with SSC_FEIT00169517 is the exact type of information that Plaintiffs have conceded was necessary to correlate the document with a particular product. See, e.g., Dkt. 251 at 10 (citing Kudlac Decl., ¶ 64). This is also the same file folder information Plaintiffs improperly included with Exhibit 1 to the Amended Disclosure, as described above.

As another example, SSC_FEIT00179002, produced in the June Production, contains File Path information not produced with its previously-produced duplicate according to Exhibit 2 of Plaintiffs’ Amended Disclosure, found at SSC_FEIT00040971. Unlike the earlier-produced document SSC_FEIT00040971, the later-produced document SSC_FEIT00179002 includes metadata for the “File Path” field, populated with the following: “SSC\20240514_Processing\11_Discovery_Productions.zip\11_Discovery_Productions\4_Product Analysis & Chain of Custody (214 Products)\SSC0060\220624-HJH-02\CHIP_BACKX300.jpg.” In fact, none of the alleged duplicates from the August 9, 2023 production that we have reviewed have a “File Path” field in the metadata, let alone that type of information.

The same is true for Exhibit 3 to Plaintiffs’ Amended Disclosure, which represents, for example, that the document bearing Bates number SSC_FEIT00171298 from the June Production is merely a “duplicate” of the document bearing Bates number SSC_FEIT00058235 from the April 4, 2024 production. But just like the previous examples, SSC_FEIT00171298 also contains “File Path” information not provided with the previously-produced SSC_FEIT0058235. The below image shows the metadata produced for SSC_FEIT00171298, produced in the June Production:

Codes	Metadata	Hit Highlights
<u>Confidentiality</u>	HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEY'S EYES ONLY	
<u>Custodian</u>	SSC	
<u>Date Modified</u>	2021/11/04	
<u>Extension</u>	jpg	
<u>Family Date</u> ↗	2021/11/04	
<u>File Path</u>	SSC\20240514_Processing\11_Discovery_Productions.zip\11_Discovery_...	
<u>Filename</u>	TOP_X50.jpg	Click to search for documents with File Path: «SSC\20240514_Processing\11_Discovery_Productions.zip\11_Discovery_...» 6e733094BE87E92DF47203E9795D2382
<u>MD5 Hash</u>	6e733094BE87E92DF47203E9795D2382	
<u>Primary Date</u> ↗	2021/11/04	
<u>Time Zone Processed</u>	EST (-05:00)	

As is clear from a comparison with the metadata produced with its alleged “duplicate,” as shown below, the earlier produced “duplicate,” SSC_FEIT00058235 from the April 4, 2024 production, was not produced with this information:

Codes	Metadata	Hit Highlights
<u>Confidentiality</u>	HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY	
<u>Date Modified</u>	2021/11/04	
<u>Extension</u>	JPG	
<u>Family Date</u> ↗	2021/11/04	
<u>Filename</u>	TOP_X50.jpg	
<u>MD5 Hash</u>	6E733094BE87E92DF47203E9795D2382	
<u>Primary Date</u> ↗	2021/11/04	

The same holds for all the documents identified as “duplicates” on Exhibit 3. Compare, e.g., SSC_FEIT00069405 (from the April 4, 2024 production) with Bates No. SSC_FEIT00184496 (from the June Production).

Because the documents Plaintiffs identified as “duplicates” in the June Production contain additional information, and indeed information that was already stricken by this Court, we are seeking to strike the so-called “duplicates” found in the June Production.

We have attached a draft stipulation for your consideration. Please indicate your availability tomorrow for a meet and confer. We are available any time except between 10 am and 11 am central time.

Best,
-Simeon



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(he/him/his)
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